BY J. L. PENNINGTON.

TERMS OF SUBSCRIPTION.

The following are the only terms of subscription to THE DAILY PROGRESS:

Daily Paper, 1 month, $1 50 | Daily Paper, 3 months, $4 50
" " 2 " 3 00 | " " 6 " 9 00
One year..... 18 00

The paper will not be sent to new subscribers unless the money in advance; and in all cases it will be discontinued when the time paid for expires.

JOB PRINTING.

There being connected with the PROGRESS establishment a Job Office equal to any in the City or State, we are prepared to execute all orders for BOOK and JOB PRINTING. Orders solicited and promptly attended to.

THE DAILY PROGRESS.

VOL. IV. RALEIGH, THURSDAY, OCT. 8, 1863. NO. 264.

TELEGRAPHIC NEWS.

[TELEGRAPHIC REPORTS FOR THE PRESS ASSOCIATION.]

Entered according to act of Congress, in the year 1863, by J. S. Thrasher, in the Clerk's Office of the District Court of the Confederate States of the Northern District of Georgia.

Later from the North.

RICHMOND, Oct. 7.—Baltimore *American* 6th received here. Army of the Cumberland has been heavily reinforced, and Rosecrans is expected to resume offensive operations promptly. Saturday rebel cavalry attacked McMinnville, indicating a formidable flank movement to cut Rosecrans' lines of communication and isolate Burnside. Fight at McMinnville was progressing when telegraphic communication was interrupted—result not known. On 28th a force of rebels attacked the right wing of Burnside's army, and after a fight of 2 hours were repulsed.

Another dispatch on Friday says Wheeler's rebel cavalry were attacked at Anderson's Cross Roads, forty five miles from Chattanooga, by our cavalry, and badly whipped. Rebels completely routed and driven ten miles.—Correspondent Chicago *Evening Journal*, 29th ult., says a large portion of the army of the Potomac is going to Chattanooga. The 11th and 12th Army Corps, Gens. Howard and Slocum from Rappahannock, by this time well on their way to Nashville. It is stated that the 3d Army Corps of Meade's army also on the way westward. Tuesday morning the steamer *Robert Campbell*, from St. Louis to Vicksburg with troops on board, was fired near Milliken's Bend. Flames spread so rapidly passengers were forced to jump overboard before the boat reached the shore. Forty lives were lost. Steamers *Chancellor*, *Forest Queen* and *Cahawba* also fired Sunday afternoon, at the levee, St. Louis. Loss, two entirely destroyed.

There was a terrible explosion at Bridgeport, destroying a vast quantity of ammunition. It is stated that a French frigate is now on the way to Charleston harbor, for what purpose not know. Lincoln has issued a proclamation appointing the last Thursday in November as a day of Thanksgiving and Prayer. The American Consul at Manzanello having accepted *exequatur* from Jabaz, the opponent of Juarez, has been removed by the American Government. Postmaster General Blair, delivered a speech at Rockville, Md., on Saturday, in opposition to efforts of the radical Abolitionists to blot out the Southern States and receive them back into the Union as Territories. The British steamer, *Sir William Peel*, with cargo of cotton, put aboad in Mexican waters has been captured off the Rio Grande by the gunboat *Seminole*. It is said the capture was made in Mexican waters and may therefore lead to international difficultief.

Commander Bell, of the West Gulf Squadron, announces that pernicious fever has broken out in the United States steamer *New Orleans*; some instances of yellow fever having occurred. Reports of Weitzel's defeat and death is contradicted. Gold in New York, Saturday, 143; Monday, 144¾. The *City of London*, with Liverpool dates to the 23d, has arrived at New York. Report by previous steamer of Mason's withdrawal is confirmed. The *Times* says the Confederates are offended with England for trying to keep in the right. We are sorry for it. Loss, however, is theirs, while the relief to the British nation is great. She will have nothing to repent.—The *Times* warned the British Government against going too far in stopping the building of ships for the Confederates, while furnishing munitions of war to the Federals. Paris *Moniteur* had created a great sensation by publishing the manifesto of the Polish national Government. It is regarded as a moral recognition of belligerent rights of the Poles by France.

Reply of Russia to England has been published. Gortschakoff tells Russell it is useless to prolong a discussion which merely developes and confirms differences of opinion. His reply to France is to the same effect. Russian Emperor, in a speech, had promised reforms, and extended priveleges to Poland. There appears to be trouble brewing between Germany and Denmark. Army of the latter is being placed on a war footing in consequence of certain action of the Federal Diet, at Frankfort.

Eleven Russian iron-plated gunboats, with turrets, will be completed by Spring. London *Times* assumes that Maximillian will ascend the throne of Mexico and that the British Government will acknowledge and favor a recognition of the new Government. American ships *Express* and *Anna T Schmedt* were destroyed by the *Alabama* off Rio. No commercial news published.

The Defeat of Rosecrans in New Orleans, &c.

MOBILE, Oct. 7.—The *Tribune* has dates from New Orleans to the 30th ult. The *Ev* publishes the news, via Memphis, of the defeat of Rosecrans, but refuses to believe it, declares it is impossible, and avers it is a gratuitous piece of Copperhead intelligence, unfounded in truth and clearly able to trace it to the rebel sympathies of the author. It can't be true; Rosecrans never was defeated in his life.

General Banks has just issued three long orders. The chief one is in respect to the opening of the Mississippi. That General is touching in his description of the value of the valley of the Mississippi, and declares that notwithstanding the ravages of war, it is a splendid field for Yankee ingenuity. The inhabitable globe does not offer a more noble theatre for intelligent enterprise than the valley of the Mississippi. There never was a country better worth fighting for or better worth defending. This flourish is the preface to calling to arms every one liable to military duty, in order to hold the lovely country.

There was a very destructive fire in New Orleans on the morning of the 30th. It commenced on Tchoupelousas street, between 3rd and 4th streets, and before extinguished two blocks of buildings were consumed. The loss is set down at one hundred thousand dollars.

On the night of the 23d ult, the steamboat *Champion*, at Memphis, was totally destroyed by fire. She had been seized by the Government for the purpose of transporting troops, and hardly had left the levee before the fire broke out. Four lives were lost.

From Bragg's Army.

MISSIONARY RIDGE, via Chickamaugu, Oct. 5.—We opened fire upon Chattanooga at 1 a. m., from Lookout and other points along the lines, our shells exploding midst their camps and in the city, setting fire to a house. The enemy replied briskly, from Moccasin Point, to our mortars on Lookout, but feebly from the Star Fort and Casemated Fort. The firing still continues.

It is reported that Wheeler captured and burned five hundred wagons in Sequatchie Valley.

[SECOND DISPATCH.]

MISSIONARY RIDGE, via Chickamauga, Oct. 6.—The Tennessee river is rising rapidly and has swept away the lower pontoon bridge and submerged the trestle bridge.

Prisoners and deserters confirm the capture of a wagon train by Wheeler.

Major S. P. Mitchell, Chief Quartermaster of Longstreet's corps, died last night of diptheria.

Colonel Joe Lewis, of the 61st Kentucky, has been appointed Brigadier General of Helm's Brigade. Colonel James A. Smith of the 3d and 5 h Confederate, has also been appointed Brigadier of Preston Smith's Brigade.

No firing on either side up to 11 A. M.

From General Lee's Army—Meade Falling Back.

GORDONSVILLE, Oct. 7.—Three prisoners captured at Cedar Run, Culpeper county, and brought here to-day, are Englishmen, and say they won't wish to be exchanged. They report the 1st, 5th, 11th and 12th corps of Meade's army, have gone to assist Rosecrans, and the 3rd guarding railroad. They also report all Commissary stores sent off and the army falling back. News from above, brought by citizens, confirm the report that the enemy are falling back from Culpeper C. H.

From Charleston.

CHARLESTON, Oct. 7.—An attack was made by us on the frigate *Ironsides*, before daybreak, damaging the *Ironsides*, and alarming the enemy's whole fleet. Two of our men engaged in the expedition, including Lieutenant Glassit, of the gunboat *Chicora*, are missing. No other losses on our side. Everything has been quiet to day.

From Mobile.

MOBILE, Oct, 6.—A special dispatch from Okalona dated 6th, says the enemy's cavalry, about 1,500 strong, and 4 guns, attacked Col. Richardson near New Albany at 11 a. m., yesterday. The engagement was chiefly with artillery and lasted to near 5 p. m. The enemy were repulsed.

From Wilmington.

WILMINGTON, Oct. 6.—The *Journal* is suspended for a few days to repair the press. No news here.

The man calling himself Spears, who assisted in the robbing of Dr. Riddick of several thousand dollars, at the Yarborough House, in this city, a short time since, was tried yesterday and found guilty. Sentence was not passed, but whipping is the penalty, and after that is inflicted, Spears will probably bring up at Camp Holmes.

ELECTION NOTICES.

To the Voters of the Fifth Congressional District.—The emergency calls for the purest and ablest men to serve the country in her Legislative Councils. The well known character of Captain JOSEPH J. DAVIS, of Franklin, for patriotism, integrity and wisdom, plainly indicates him as the fittest man in the District to represent us in the next Congress. Captain Davis is now leading his gallant company against the invaders of his country, and does not even dream of his friends entertaining the idea of voting for him for Congress or any other civic position, at this time; but we are confident that he will shrink from no responsibility to which his fellow citizens may call him. Well known and universally respected as he is, Franklin County offers her noble son to the voters of the District in full confidence of his election, on account of his own unpretending merit, and for the good of the country. Patriots, your suffrages are asked for a wise and prudent statesman, and gallant soldier.

July 1-td MANY VOTERS.

Register, Standard, and State Journal copy till election and send bills to this office.

We are authorized and requested to announce Dr. J. T. LEACH, of Johnston county, as a candidate for Congress in the 3d Congressional District, composed of the counties of Carteret, Craven, Jones, Onslow, Duplin, Sampson, Wayne and Johnston. Election on the 4th day of November. The soldiers vote on Thursday, the 29th of October. Oct 2-td*

We are authorized and requested to announce Hon. W. N. H. SMITH, of Hertford, as a candidate for re-election to Congress from the 1st Congressional District. Election, Wednesday, 4th day of November. Sept. 28-td

We are authorized to say that Col. BRYAN GRIMES, of Pitt County, and of 4th N. C. Troops, has consented, at the solicitation of many friends, to become a candidate for Congress in the 2nd Congressional District, composed of the Counties of Hyde, Beaufort, Pitt, Edgecombe, Halifax, Wilson, Green and Lenoir. Sept 29-td*

Dr. EDWARD WARREN, of Chowan County, will be supported for Congress in the first Congressional District by MANY VOTERS. Sept 29-td

We are authorised and requested to announce Hon. ROBT. R. BRIDGERS, of Edgecombe, as a candidate for re election to Congress in the 2d Congressional District, composed of the counties of Hyde, Beaufort, Pitt, Edgecombe, Halifax, Wilson, Green and Lenoir. Election, Wednesday, 4th of November. Sept 28-td

We are authorized to announce Hon. A. H. ARRINGTON, of Nash county, a candidate for re-election to Congress in this, the 5th Congressional District, composed of the counties of Orange, Wake, Granville, Warren, Franklin and Nash. Election, Wednesday, 4th of November. Sept 8-td*

We are authorised by the friends of Lieut. WALTER DUNN, of Lenoir County, to announce the name of that gentleman as a candidate to represent the people of the 2nd District, in the next Confederate Congress. Aug 27-tf.

We are authorized to say that THOMAS I. FAISON has consented, at the earnest solicitations of many friends, to become a candidate for Congress in the 3rd Congressional district. Sept 7-tf

We are authorized to announce Captain JOSIAH TURNER, of Orange county, as a candidate for Congress in this, the 5th Congressional District, at the election to be held in November next. Aug 8-td

JAMES MARTIN, vs. RICHARD B. PARKER,

ADMINISTRATOR OF THOMAS MARTIN AND others. Petition for distribution of the personal estate of Thomas Martin. James Martin and others vs. the heirs of Thomas Martin. Petition for sale and partition of real estate of Thomas Martin.

The bills set forth that in August, 1862, Thomas Martin, of Halifax county, N. C., died intestate and without issue, aged about ninety years, leaving real and personal estate, which devolved on his heirs and distributees who are his collateral kindred; that William Martin, the ancestor of the intestate, died in said county of Halifax about sixty years ago and left twelve children, to wit: William, Jr., Peggy, Bartholomew, Jesse, Mary Ann, Catherine, John, Lucy, Thomas, (the intestate,) Ambrose, Betsy and James, (the plaintiff:) That all of them died before the intestate except said James; that of the others the descendants of the said William, Jr., are Henry Martin, of the county of Warren, and the issue of John his brother, who died domiciled in Louisiana in 1858, that said Peggy married one Thomas Kelly, whose issue and descendants are the plaintiffs, Mary Carter, Martha Kelly, Peggy, wife of John A. Walker, of Halifax county, and the defendant William Kelly, of Tennessee, that Mary Ann, only descendant now living, is the plaintiff Mary Kelly, that Bartholomew, Jesse and John married and removed from the State to Virginia or Tennessee, but whether they had issue is not known; that Catharine, Lucy, Ambrose and Betsy died without issue. The bills seek a distribution of the personal estate and partition and sale of the real estate, and a discovery of the heirs and distributees, and allege that no information has been received of the descendants of said Bartholomew, Jesse and John or their issue within twenty years, and demand that if any of them be alive they discover themselves. Also, that all non-resident defendants make themselves parties, or a decree *pro confesso* will be taken against them and the causes be heard *ex parte* as to them. Sept 21 1m

NORTH CAROLINA,
GRANVILLE COUNTY.

COURT OF PLEAS AND QUARTER SESSIONS, August Term, 1863.

Thomas Pleasants and Wife and others, vs. John Falkner and Thomas Edwards, } Petition to sell land for partition.

It appearing to the satisfaction of the Court that John Falkner and Thomas Edwards, the defendants in this case, reside beyond the limits of this State, it is therefore, on motion, ordered by the Court, that publication be made for six weeks successively in the Raleigh Progress, notifying the said defendants of the filing of this petition, and that unless they appear at the next term of this Court and answer the petition, the same will be taken *pro confesso* and heard *ex parte* as to them.

Witness, Augustine Landis, Clerk of said Court, at office in Oxford, the first Monday of August, 1863.

Setp 18-law6t A. LANDIS, C. C. C.

WANTED.

ONE HUNDRED THOUSAND DOLLARS OF NORTH Carolina eight and six per cent. bonds, new issue, for which the highest market price will be paid. Apply to W. R. RICHARDSON & CO.

Aug 4-tf

LOST,

ON HARGETT STREET NEAR THE BAPTIST Grove, in this city, on Saturday, a Necklace, linked chain, with a medalion attached. The medalion has hair on both sides, and the initials of L. D. on one side—on the reverse side a row of pearls and jet. The chain and medalion is highly prized by the owner, and a liberal reward will be paid the finder if left at the

Oct 5-3t* PROGRESS OFFICE.

CHEWING TOBACCO.

6,000 POUNDS SUPERIOR SMOKING TOBACco on consignment for sale.

GEO. ALLEN,
Greensboro, N. C.

Oct 7-1w

MILITARY NOTICES.

Executive Department North Carolina,
ADJUTANT GENERAL'S OFFICE,
Raleigh, Sept. 11, 1863.

GENERAL ORDER, No. 3.

I. The Commanding Officers of Battalions of Home Guards are charged with the apprehension of deserters and recusant conscripts in their respective counties. For this purpose they will call out for local and temporary service, such portions of their Battalions as they may deem necessary. The Deserters and Conscripts will be taken to the nearest Conscript Camp.

The Commanding Officers of North Carolina Militia will continue to comply with General Order, No. 5, dated May 9, 1863, until the Home Guards are fully organized in their respective Counties.

II. Boards for Examination of persons claiming exemption from Home Guard duty, because of physical disability, will immediately visit all the Counties in which the "Home Guards" have been or may hereafter be organized.

The following classes of persons will be examined:

1st, All who have been exempted previous to the 15th of July, 1863.

2d, All who have been examined subsequent to the 1st September, 1863.

3d, All who may be presented by the Surgeon, or commander of the Regiment, or Battalion of Home Guards, to which the individual belongs.

The decisions of the Boards will be final, except that appeals may be taken to the Surgeon General, with the consent of the Examining Board.

After a visit has been made to a County by an examining Board, the commander of its Home Guards will not recognize the validity of exemptions issued from this office previous to the 15th of July, or subsequent to 1st September, 1863, unless approved by the Board.

Due notice will be given by the senior member of the Board to the Commander of the Battalion of an intended visit, in order that those having certificates, or desirous of being examined, may have an opportunity of appearing before the Board.

By order of Governor VANCE.

R. C. GATLIN,
Sept. 14-1m Adjutant General.

Executive Department North Carolina,
ADJUTANT GENERAL'S OFFICE,
Raleigh, Sept. 12th, 1863.

SPECIAL ORDERS, No. 10.

I. SURGEON E. A. CRUDUP AND HENRY JOYNER are hereby appointed a Board for the examination of persons claiming exemption from Home Guard duty on account of physical disability. After due notice to the Commanders of the several Battalions of the Home Guards for the following named counties in accordance with General Orders No. 3, this Board will visit the counties of Franklin, Nash, Pitt, Wake, Warren, Cumberland, Harnett, Robeson, Northampton, Bertie and Johnston.

II. Surgeons Eugene Grissom and Richard B. Haywood are hereby appointed a Board for the examination of persons claiming exemption from Home Guard duty on account of physical disability. After due notice to the Commanders of the several Battalions of Home Guards of the following named counties in accordance with General Orders No. 3, this Board will visit the counties of Halifax, Edgecombe, Wayne, Wilson, Duplin, New Hanover, Sampson, Lenoir and Greene.

III. After the Examining Board have visited the several counties above named, and completed their labors, they will report in person to the Surgeon General for further orders.

By order of Gov. VANCE:

R. C. GATLIN,
Sept. 14-1m Adjutant General.

Surgeon General's Office,
RALEIGH, Sept. 27, 1863.

MEDICAL EXAMINING BOARD NO. 1, COMPOSed of the following named Medical Officers,
Surgeon E. A. CRUDUP,
Surgeon HENRY JOYNER,

will meet at the town of Warrenton, in Warren county, on Monday, the 5th of October; at Jackson, in Northampton county, on Wednesday, the 7th; at Windsor, in Bertie county, on Friday, the 9th; at Tarboro, in Edgecombe county, on Monday, the 12th; at Nashville, in Nash county, on Wednesday, the 14th; at Louisburg, in Franklin county, on Saturday, the 17th; at Summerville, in Harnett county, on Wednesday, the 21st; at Fayetteville, in Cumberland county, on Friday and Saturday, 23d and 24th; at Lumberton, in Robeson county, on Monday, the 26th, and at Raleigh, in Wake county, on Thursday, the 29th of October, for the purpose of examining all persons who claim exemption from Home Guard duty on account of physical disability, according to the provisions of General Order No. 3, issued from the Adjutant General's office.

EDWARD WARREN,
Sept 26-t26e Surgeon General.

NOTICE

HAVING QUALIFIED AT THE PRESENT TERM of the Court of Pleas and Quarter Sessions of Lenoir county as Administrator on the estate of Henry S. Blackwell, deceased, late of Newbern, all creditors of the estate are invited to present claims for payment and all persons owing the estate to make payment to me at Graham, Alamace county, N. C.

THOMAS J. MITCHELL,
Sept 28-1m Administrator, Graham, N. C.

TO THE LEGATEES OF ELIZABETH BLAKE, DECEASED.

THE LEGATEES OF ELIZABETH BLAKE, DEceased, are hereby notified that as Executor to the will of deceased, I am ready to pay over the amount bequathed to each, and they are hereby notified to come forward and receive it, the two years allowed by law for settling up the estate having expired.

WILLIAMSON PAGE,
Executor to the will of Elizabeth Blake, dec'd.
Sept 21-1m*

TO THE AFFLICTED—A CURE FOR RHEUMATISM.

MRS. S. A. REID'S OINTMENT FOR THE CURE of this terrible disease has relieved hundreds since its virtues have been made known to the public. Orders may be sent to Raleigh or to Kittrell's Post Office, N. C. Price per box, $5. Address

MRS. S. A. REID,
Sept 30-tf Raleigh, or Kittrell's, N. C.

GAS.

A MEETING OF THE STOCKHOLDERS OF THE Raleigh Gas Light Company will be held in the Court House on Thursday 15th instant at 4½ o'clock, P. M. It is earnestly desired that every stockholder should be present, as a failure to get a quorum, as has been the case on previous occasions, will subject the citizens of Raleigh to a stoppage of gas—the lease of the works being about to expire.

By order of the President:

W. E. ANDERSON,
Oct 2-td Sect'y and Treasurer.

BRITTON'S BLUE-BLACK WRITING FLUID,

MANUFACTURED BY J. E. BRITTON, CHARlotte, N. C. A superior article. Southern Manufacture. Try it. All bottles warranted.

I am manufacturing an article of Writing Ink, equay if not superior, to any Inks manufactured North. Ever, person who has tried this Ink speaks well of its quality. It has a blue-black color, and flows freely from the pen.

It can be had either wholesale or retail by addressing the subscriber.

For thirteen years, writing done with Ink manufactured from this recipe has been exposed to the sun and air, and is as fast in color, and as good now as when first written with. Orders solicited, and all promptly filled.

Address. J. E. BRITTON,
Charlotte, Mecklenburg Co., N. C.

The following recommendation of the superior quality of the ink is given by the gentleman whose name is annexed. He has used the ink and can speak for its good qualities:

CHARLOTTE, June 3, 1863.

Mr. J. E. Britton:—Dear Sir: I have tried your very excellent Writing Fluid, and can truly say that it is superior to any Ink that I have ever seen manufactured in the South. It is equal if not far better, than any Writing Ink made at the North. Every one who will try this Ink can be sure of getting an excellent article.

S. OVERMAN, P. M.,
July 24-tf Salisbury, N. C.

AUCTION AND PRIVATE SALES.

TIN PLATE FOR SALE.

33 BOXES TIN PLATE IX, BEST QUALITY, FOR sale. Apply to CREECH & LITCHFORD, Raleigh, N. C., or JNO. D. BROWN, Salisbury, N. C.

Oct 3-2w*

VALUABLE TOWN PROPERTY FOR SALE.

CONSISTING OF A TWO STORY HOUSE, GOOD Kitchen and other necessary out-houses, large Garden, spacious Oak Grove and large Field, the whole covering about five acres well cultivated ground—a fine location. The house is nearly new and in good repair.—Possession given on the 1st November. Apply to

L. W. PECK,
Oct 1-20t* Raleigh, N. C.

IMPORTANT SALE OF LAND AND SLAVES.

ON MONDAY THE 16TH DAY OF NOVEMBER, 1863, at the Court House door in the city of Raleigh, as executor of the late Mrs. Grizzy Seawell and agent of Miss Elizabeth Hinton, I will sell to the highest bidder the valuable lot of land on Newbern street in said city, containing about 30 acres, on which Mrs. Seawell resided at her death.

Also at the same time and place will be sold 12 or 15 slaves, mostly young and likely, among them a valuable Carpenter.

Terms one and two years credit or cash if preferred.

RICHARD B. SEAWELL,
Oct 1-2awtd Executor and Agent, Raleigh, N. C.

ADMINISTRATOR'S SALE.

I WILL SELL AT AUCTION, ON THE 13TH DAY of October, in Graham, Alamance county, the personal estate of Henry S. Blackwell, deceased, consisting of
11 Barrels Holt's Whisky and Brandy
30 Bags of Salt
1 Two-Horse Wagon
1 One-Horse Wagon
1 Leather Covered Top Buggy
1 Open Barouche
1 Horse
1 Milk Cow
Household and Kitchen Furniture, &c.

THOMAS J. MITCHELL,
Sept 28-td Administrator.

FOR SALE.

SEVERAL SHARES OF STOCK IN NORTH CAROlina Railroad Company. Apply to
Sept 8-tf W. R. RICHARDSON & CO.

HOUSE AND LOT FOR SALE.

WILL BE SOLD, IF APPLICATION BE MADE soon, a good and desirable residence in the city, about 150 yards South of the Governor's Palace, on Fayetteville street. For terms, &c., apply to
July 16-tf W. R. RICHARDSON.

RICE FOR SALE.

THE STATE WILL SELL RICE BY THE CASK. Apply to C. H. Thompson, M. S. K. Commissary Department.
July 4-tf THOS. D. HOGG, Captain C. S.

CURRY COMBS.

200 DOZEN CURRY COMBS FOR SALE AT THE Factory of
March 24-tf. JOLLY & LACK.

FOR SALE.

A BEAUTIFUL BUILDING LOT IN THE CITY OF Raleigh, opposite the residence of A. M. Lewis, Esq., in the Northern part of the city. Apply to
June 25-tf W. R. RICHARDSON.

MISCELLANEOUS.

ONLY ONE MORE CHANCE.

GENTLEMEN WHO ARE DESIROUS OF SERVing their country and remaining in the Good Old North State can do so by joining Capt. C. D. FOY'S independent Company of Partisan Rangers.

Those who wish to enlist can do so by reporting to Capt. C. D. FOY, at Camp Graham, two miles below Kinston, or to me at Franklinton.

S. L. BLACKWELL,
Oct 5-5t* Recruiting Officer.

COTTON YARNS, COTTON YARNS.

WE WILL EXCHANGE COTTON YARNS FOR Wax, Tallow or Lard, either in large or small quantities. Fair exchange made at the Graham Candle Factory. KLAPP & BERRY,
Oct 7-1m Graham, N. C.

FELLOW CITIZENS OF JOHNSTON COUNTY.

OUR DUTY AS PATRIOTS AND CHRISTIANS require at our hands the alleviation of the suffering amongst the poor and destitute in our County. Many mothers and their little children are to-day in want of the prime necessaries of life. In speaking of this matter to many prominent citizens of the County, all express a willingness to give aid to this great cause, and many, I am gratified to say, have, by selling produce below market rates. But we want general concert of action. We therefore propose to all friends of this great cause to meet in Smithfield on Saturday, the 17th inst., to organize a Society for the relief of the Destitute of our County. In the meantime, persons wishing to make contributions of money or produce for this object, can do so by calling upon W. H. AVERA.

Oct 5-td

Will the Advocate, Standard, Journal and Observer please give one insertion.

EXPRESS NOTICE.

OFFICE SOUTHERN EXPRESS COMPANY,
Raleigh, Sept. 25, 1863.

IN ORDER TO AVOID MISUNDERSTANDING AND to make our charges conform to the liability assumed, this Company hereby give notice that from and after October 1st, 1863, shippers will be required to place their valuation upon each package before it will be received. Such value will be inserted in the Company's receipt and establish the liability of the Company for the amount, the act of God and the public enemy only excepted.

Sept 26-4w A. P. C. BRYAN, Agent.

THE COPARTNERSHIP

KNOWN AS GEO. BISHOP & Co., HILLSBORO', is this day dissolved by mutual consent. All persons indebted to the firm are requested to call and settle.—Those having claims will please present them for payment. GEO. BISHOP.

Aug 21-tf F. J. GARDNER.

LARD, TALLOW AND WAX WANTED

THE HIGHEST CASH PRICES WILL BE PAID FOR either of the above articles, either in large or small quantities, at the Candle Factory, in Graham, N. C.—All those that have will please to address

KLAPP & BERRY,
Oct 5-1m Graham, N. C.

ORDNANCE DEPARTMENT,
RALEIGH, N. C., May 8, 1862.

LEAD WANTED.—I WISH TO PURCHASE LEAD for this department. Persons having large or small quantities will please apply at once. We give 1 pound of POWDER for 10 pound of LEAD.

THOS. HOGG, Capt. C. S.
May 8-tf In charge of Ordnance.

SURGERY FOR FIELD AND HOSPITAL.

I AM NOW PREPARED TO SUPPLY MY WORK on Surgery, to subscribers and others who may wish to purchase it.

On the receipt of $6.00, the book will be sent by mail, postage paid. SID WARD WARREN, M. D.
Aug 21-tf Raleigh, N. C.

CURRY COMBS.

MANUFACTURED BY
March 10-tf JOLLY & LACK, Raleigh, N. C.

W. R. RICHARDSON & CO.,
STOCK AND EXCHANGE BROKERS,
June 6-tf RALEIGH, N. C.

ADVERTISING RATES.

The following rates will be charged for all advertisements inserted in the DAILY PROGRESS:

ONE SQUARE OR MORE LESS, OR LESS:

One day	$1 00	One week	$5 00
Two days	2 00	Two weeks	12 00
Three days	3 00	Three weeks	18 00
Four days	4 00	One month	24 00
Five days	5 00	Two months	48 00

Fifty words, or eight lines or less count a square, and additional squares will be charged the same.

Cash will be demanded from all persons, and no contracts will be open save in accordance with these terms. When sent by letter, the money must accompany the advertisement. Marriages, deaths, religious and other notices charged as advertisements and must be paid in advance.

STATE DIRECTORY.

GOVERNMENT OF NORTH CAROLINA.

His Excellency, Zebulon B Vance, Buncombe, Governor
Col David A Barnes, Northampton, Aid.
do George Little, Wake do
Richard H Battle, Jr, Anson, Private Secretary.
Dr Edward Warren, Chowan, Surgeon General.
John P H Russ, Wake, Secretary of State.
Jonathan Worth, Randolph, Public Treasurer.
Curtis H Brogden, Wayne, Comptroller.
Samuel F Phillips, Orange, Auditor.
Ebenezer Emmons, State Geologist.
Oliver H Perry, Wake, State Librarian.
Major General R C Gatlin, Lenoir, Adjutant General.
Captain William B Gulick, Beaufort, Paymaster.
Captain Thomas D Hogg, Wake, Commissary and Ordnance Officer.
Captain James Sloan, Guilford, Quartermaster.
Captain Henry A Dowd, Edgecombe, do
James H. Foote, Iredell, Asst. Adjt. Gen., (Roll of Honor.)
William A. Graham, Jr., Orange, Ass't Adjt. General.

JUDICIAL.

Supreme Court.—Richmond M Pearson, Yadkin, Chief Justice; William H Battle, Orange, and Matthias E Manly, of Craven, Judges; Sion H Rogers, Wake, Attorney General; Hamilton C Jones, Rowan, Reporter; Edmund B Freeman, Clerk. [Meets in the city of Raleigh second Monday in June each year. The Morganton term has been discontinued.]

Superior Courts.—Judges.—John L Bailey, Buncombe; Romulus M Saunders, Wake; Robert R Heath, Chowan; Robt S French, Robeson; James W Osborne, Mecklenburg; George Howard, Wilson; Robert B Gilliam, Granville; William M Shipp, Henderson.

Solicitors.—1st Circuit, Jesse J Yeates, Hertford; 2nd Circuit, Charles C Clark, Craven; 3rd Circuit, Sion H Rogers, Wake, Attorney General; 4th Circuit, Thomas Settle, Rockingham; 5th Circuit, Ralph Buxton, Cumberland; 6th Circuit, Robert F Armfield, Yadkin; 7th Circuit, William P Bynum; 8th Circuit, Augustus S. Merrimon, Buncombe.

Confederate States District Court.—Hon Asa Biggs, Judge; George V Strong, Wayne, Attorney; W. A. Watson, Craven, Clerk; Wesley Jones, Wake, Marshal.

Council of State.—F B Satterthwaite, Pitt; Robert F Dick, Guilford; Dr James Calloway, Wilkes; L Eldridge, Johnston; J R Hargrave, Anson; Jesse R Stubbs, Martin; James A Patton, Buncombe.

Literary Board.—His Excellency Gov. Vance, President *Ex officio*, Rev William E Pell, Wake, and Professor Richard Sterling, Guilford; Dr. Wm. Sloan, of Gaston, Richard H Battle, Jr, Secretary.

Board Internal Improvements.—His Excellency Gov. Vance, President *ex officio*, Wm Eaton, Jr, of Warren and J H Flanner, of New Hanover. Richard H Battle, Jr, Secretary.

Commissioners of Sinking Fund.—Hon Thomas Ruffin of Alamance, Hon Weldon N Edwards, Warren, and Hon David L Swain, Orange.

The University of North Carolina is at Chapel Hill. Hon David L Swain, President.

Rev Calvin H Wiley is Superintendent of the Common Schools of the State.

Wiley J Palmer, A M, is Principal of the N C Institution for the Deaf and Dumb and Blind, at Raleigh.

Dr Edward C Fisher is Superintendant of Asylum for the Insane, at Raleigh.

Rev W M Wingate is President of Wake Forest College (Baptist) which is for the present suspended.

Rev Braxton Craven is President of Trinity College (Methodist.)

Rev ——— is President of Davidson College (Presbyterian.)

Major W M Gordon is Superintendant of the Hillsboro' Military Academy.

REWARDS.

$200 REWARD.

STOLEN FROM CAMP OF 7TH C. S. CAVALRY, near Kinston, N. C., on the night of the 19th September, a deep Bay Horse, nine or ten years old, about fifteen hands high, with full mane and tail. The only marks recollected are a few white spots on the breast and fore shoulder, made by the breast strap; also that his tongue had been very badly cut and the old scar still remains. I will pay one hundred dollars for the return of said horse to me at Kinston or for such information that I can get him; also one hundred for the apprehension of the thief. T. D. CLAIBORNE,
Sept 28 10t* Major 7th C. S. Cavalry.

$100 REWARD.

RAN AWAY FROM MY PLACE IN SURRY COUNty, on the 8th of August, a negro boy, name ISAAC, dark copper color, about 5 feet 5 inches high, square built and about 23 years old, and weighs 180 lbs. The boy was raised by John Van, in Sampson county; and will no doubt attempt to make his way to the enemy's lines. The above reward will be paid for the delivery of said boy Isaac to me, in Surry county, or confinement in any jail so I can get him.

My post office is Tom's Creek, Surry county, N. C.
Sept. 19 1m* MARTIN HIATT.

MISCELLANEOUS.

NOTICE TO STAGE PROPRIETORS.

PIEDMONT R. R. SUPERINTENDENT'S OFFICE,
Danville, Sept. 28, 1863.

THE PASSENGER TRAINS ON THE PIEDMONT Railroad will commence running to Riedsville in a few weeks, and the Company desire to have a line of Stages established between the terminus of the Road and Greensboro.

A through ticket will be made on favorable terms with any line of Stages that will insure the necessary facilities for travel.

Propositions are invited at once.

CHAS. G. TALCOTT,
Oct 2-6t Sup't Piedmont R. R.

NOTICE!!

THE FIRM HERETOFORE KNOWN UNDER THE appellation of Lack & Farriss, has been dissolved by mutual consent. All accounts due the firm, and all to whom the concern is indebted, will please settle and present their claims to C. M. Farriss, by whom the business will in future be conducted.

C. M. Farriss tenders his acknowledgements to the patrons of the old firm for their liberality and punctuality, and respectfully requests a continuance of the same under his auspices. CHAS. M. FARRISS.

Sept 8-tf

JOHN G. WILLIAMS & CO.,
STOCK & MONEY BROKERS,
RALEIGH, N. C.

CONTINUE TO CARRY ON THE BROKERAGE BUSiness at their old stand as heretofore, in all its various branches. June 25-6m

NORTH STATE CIGAR FACTORY.

H. J. B. CLARK, PROPRIETOR,
GRAHAM, N. C.

TWO HUNDRED THOUSAND CIGARS, SOME very fine.

Twenty-five thousand lbs. celebrated "Stonewall" Smoking Tobacco; in lots to suit purchasers.

Orders solicited and satisfaction guaranteed.

July 25-3m.

AUCTION AND COMMISSION MERCHANT

WITH AN EXPERIENCE OF MORE THAN FORTY years, the undersigned does not flatter himself, but is flattered by his customers, and will receive and sell Auction, or on Commission, everything entrusted to care. FRANK I. WILSON,
May 14-tf Auctioneer.
Standard copy

THE NORTH CAROLINA AND VIRGINIA CHRISTIAN CONFERENCE

WILL MEET PURSUANT TO ADJOURNMENT with the Church of New Providence, Graham, N. C., on Wednesday before the second Sabbath in October.

Aug 6-6t WM. L. LONG, Sec'y.

DAILY PROGRESS.

RALEIGH, N. C.

THURSDAY, OCT. 8, 1863.

OUR ONLY TERMS.

The following are our only terms of subscription for the PROGRESS:

Daily Progress	One year - - -	$10 00
" "	Six months - -	6 00
" "	Three months -	4 00
" "	Two months -	3 00
" "	One month - -	1 50

The paper will be stopped in all cases when the time paid for expires, and those who do not wish to be without the paper must look to this and renew in time.

Agents and newsdealers will be furnished at $5 per hundred copies.

We publish nothing but a Daily Edition and enter none but daily subscribers on our mail books.

☞ **To Advertisers.**—No contracts will be made for advertising outside of our published terms, and parties wishing to advertise in the PROGRESS should send their advertisements directly to us instead of requesting us to copy from other papers, some of which we never see. All advertisements hereafter inserted will be charged according to revised terms at head of paper. Marriages, deaths, religious and other notices charged as advertisements and must be paid in advance. All advertisements inserted once, twice or three times a week will be charged $2 a square for each insertion.

☞ **How to Send us Money.**—Never send by mail when you can send by Express. All money sent by Express at our expense. Those sending us money by mail must do so at their own risk.

☞ **Any of our friends receiving important** news from the army by private letter or telegrams, will confer a great favor on us by sending or leaving them at this office for our use.

☞ **Rags Advanced.**—We will pay 12½ cents a pound for all the clean Cotton rags delivered at the Progress office.

A Voice from the 66th Regiment.

The following letter is from an intelligent officer of the 66th Regiment N. C. Troops, and speaks not only the sentiments of the writer but of three-fourths of the soldiers at Kinston and elsewhere. We assure our friend of the 66th that the *Progress* will be hereafter what it has been heretofore, an INDEPENDENT NEWSPAPER. It will ever be the staunch defender of the honor, integrity, and *loyalty* of North Carolina, and the fearless denunciator of all her defamers whether they be foreign or "to the manor born." The Confederate Government we shall stand by as long as we have a man in the field, though every original secessionist in the land should desert the ship. The war was brought on by the bad men of the two sections, against our wishes and earnest protestations, but when it became necessary for North Carolina to take position on one side or the other we cheerfully acquiesced in the decision she made, and have tried to perform our duty as a good citizen since it was made. There are a few bankrupt, beggared creatures, who hailed the war as a godsend, because it would defer the exposures which would lay bare their villiany to the world, that denounce us, but at their homes, where they are known, their bitterness falls on listless ears and their abuse of us increases the contempt which a virtuous public have for them. The existence of this war will be plead as an excuse for many a scoundrel who had defrauded creditors, ruined sureties and swindled communities, and the longer it continues the better for the many scamps whose necks only escaped the halter because of its commencement. The *Progress* will do its duty to the State and Confederacy while the war rages, and hereafter, when the prowess of our arms shall have given us peace and independence, it will be a thorn in the side of every wretch who has cried for war and carnage without shouldering his musket, and a constant terror to the few who have enriched themselves at the expense of the many during the existence of the struggle.

But we are saying more than we intended. We give the letter of our friend:

CAMP NEAR KINSTON, N. C. Oct. 5th, 1863.

MR. EDITOR:—I have been reading your paper for the last two months and did expect when I commenced, from what I had seen and heard, that you had been teaching something of disloyalty to the South; so through the spirit of curiosity I was induced to take and read your paper and be the judge for myself. I am happy, after reading, to find that you have not evidenced anything to my mind of disloyalty to the land of my birth. And while you continue to urge all men to go out, meet and hurl back this invading and insulting foe from our country; exhort deserters to return to their commands and stand by their colors; condemn in unmeasured terms those bloodless, heartless, white-livered speculators and extortioners at home who have caused more desertion in our army than *all* other causes combined—contend for law and order at home among the people—and invite into the ranks those blood-thirsty, fiery "*per se*" secessionists who acted so bravely their part before the war—done their fighting before the cannon's roar was heard or the glittering bayonet was seen—so long as you do this, you will meet with the *favor* of all good soldiers in the field. It is true that there is a desire, and a great desire for peace in our ranks, but the soldiers do not want peace and would not have it on any other terms than our final separation from the Northern Government, and the establishment of our Independence as a free people and nation. These are the terms that I understand you to mean by an honorable peace. Is it not? We must have this or none. This is the feeling of the army, with a few exceptions, of dissatisfied spirits that would sacrifice country, honor and anything else for selfish purposes. I shall continue to read the *Progress* until I shall see something that I do not like, and then I shall tell you in plain terms as this is my manner of speech. J. H. K.

RELIEF ASSOCIATION.—The leading citizens and authorities of all the large towns are taking steps to provide for the relief of the poor during the coming Winter. A meeting was held here and Committees appointed to solicit subscriptions, but a member of the Committee has expressed to us the belief that the plan agreed upon by the meeting will not work very well; we hope, however, that something will be done and that speedily for the wants of the poor of this city are very pressing. Of efforts being made to relieve the poor of Charlotte the *Bulletin* says:

"We are pleased to state that a Relief Association is being formed in Charlotte by some of our patriotic fellow-citizens, who are appropriating for that purpose quite liberally, to further the objects had in view.

The list embraces appropriations amounting to $5,625, and it may be found upon our desk for additional signatures.

The object of the Association is to purchase provisions in large quantities and appoint a Commissary at a convenient depot in Charlotte, whose duty it will be to purchase in bulk and sell for private family use, to the citizens, at figures only sufficient to defray costs and wastage.

This is an admirable plan if carried out, and will most effectually checkmate the operations of a class of persons who are slyly and constantly buying up provisions and shipping them for speculation. If our monied men will come forward promptly and assist in this enterprise, a great revolution will be effected."

THE 10th DISTRICT.—The Hendersonville *Times* learns that Dr. Love and Gen. Henry have withdrawn from the canvass in the 10th Congressional District, and the name of Gen. Logan, of Rutherford, is announced as a candidate, by authority. John D. Hyman, Esq., is a candidate, and is canvassing the district.

The War.

Our dispatches from Chattanooga show our forces near enough to fire into the town. Whether Rosecrans can be driven out by the fire, however, remains to be seen. We hope that he will be run out of Tennessee. A wagon train had been captured by Wheeler. This looks like work, and induces us to believe that the communication of the enemy may be seriously interfered with. We see but little chance of getting Rosecrans out of Chattanooga unless his supplies be cut off, for a front attack would be attended with great loss, even if we could carry the position. We do hope that the enemy will not be allowed to rest quietly at Chattanooga.

At Charleston matters remain unchanged with the exception of an attack upon the *Ironsides*, by our forces, before day, yesterday morning, which damaged that vessel and caused a panic among the whole fleet. Slow firing seems to be kept up on both sides, but not much damage is done to either side. The affair at Charleston is getting rather chronic and has ceased to excite much interest.

A dispatch from Mobile brings us the gratifying intelligence that an attack by the Yankee cavalry had been repulsed by our forces.

In Virginia all is quiet. Richmond is constantly filled with rumors of an approaching battle, but when sifted they all turn out to be false. Neither army seems much disposed to bring on an engagement.

Along our own coast everything is perfectly quiet.

A NEW PROVOST MARSHAL.—Captain Samuel B. Waters, of Beaufort county, and for some time, we believe a member of the 3d Regiment N. C. Troops, has been assigned to duty here and placed in charge of the Provost Marshal's office. Capt. Waters will doubtless do his duty and give satisfaction to the government and the people with whom he will necessarily be brought in contact. There are many persons going up and down the country, skulking the duty they owe the government, and we hope Capt. Waters, and all others connected with the Conscript Department, will do their duty without fear, favor or affection.

And while on this subject just let us add that Congress, at its next session, should either conscript all foreign residents, and make them help defend the country, or leave it.

We call attention to General Order No. 1, from Col. Mallett's office, in to-day's paper. There are too many persons constantly absent from the army who do not exactly consider themselves deserters, and yet they are absent without the proper authority.—Let the utmost vigilance be exercised and let all men be put in the army who belong there, and we need have no fears for our cause.

Ex-Governors Graham and Swain have been in the city for several days past.

OPINION OF JUDGE PEARSON IN THE MATTER OF AUSTIN.

The following opinion of Chief Justice Pearson, relative to the liability of the Home Guard to duty, in the arrest of deserters and conscripts, is published for the information of the public:

In the Matter of Austin.—The writ in this case was returned before me at Richmond Hill. As it presented a new question, I desired to have the aid of Judge Battle and Judge Manly at the hearing, and also the benefit of argument by counsel. For which purpose it was adjourned to this place. I regret that I have been disappointed. It becomes my duty to decide the case without the presence of the other Judges, and without argument, except by Mr. Furches and Mr. Winston in behalf of the petitioner; so that I am really not apprised of the ground on which the Governor rests his claim of authority.

The petitioner is exempted as a conscript by reason of a substitute, and is exempted from duty as a militia-man by force of the 1st section of the act of the last session of the Legislature, entitled "An act in relation to the militia and a guard for home defence." Major Harbin sets out in his return to the writ, that he had the petitioner arrested under an order of the Adjutant General for the purpose of arresting conscripts and deserters, "as said Austin was a member of the Home Guard and liable to perform said duty." The order is in these words:

RALEIGH, Sept. 15, 1863.

Major A. A. Harbin will immediately call out the Home Guard of Davie county, and arrest every deserter or recusant conscript within said county, and deliver them to Col. Mallet at Camp Holmes. If it be necessary, you can pursue said deserters beyond the limits of your county.—These citizens who aid, harbor, or maintain deserters will be arrested and bound over to the court to answer said charges. You will report to this office the manner in which this order has been executed.

By order of Gov. Vance:

J. H. FOOTE, A. A. Gen."

The question presented by the petition and return is of great importance. On the one hand, if the Governor is authorized to require the Home Guard to perform the service of arresting deserters and conscripts, it will promote the efficiency of the Confederate army—on the other hand, it will impose on citizens, who by the acts of Congress and the Legislature are exempted from conscription and militia duty, a dangerous and irksome labor.

The subject must be considered by a Judge "as a dry question of law," unaffected by collateral considerations growing out of the condition of our country, and for this reason, his conclusion may differ from that of those who are at liberty to look at it under the bias of feeling.

It is a part of the duty of a soldier of the Confederate army to arrest deserters and recusant conscripts. The Governor of a State has certainly no authority to require a citizen, unconnected with any military organization, to perform this part of the duty of a Confederate soldier.—Whether the Governor had authority to require a citizen belonging to the militia to perform this duty, is a question which has not been decided. It may be conceded, that the Legislature has power to give this authority to the Governor in respect to the militia, on the ground that they were liable to be called into service of the Confederate States, and might be required to do a part of the duty, as a compensation for not being called into service and required to do the whole duty of a Confederate soldier. But it is a question worthy of great consideration, whether the Legislature has power to authorize the Governor to require this duty of citizens who do not belong to the militia, which is the only military organization, except enlisted soldiers, recognized by the Constitution. It is not necessary for the purpose of this case to decide the question, and it is referred to only for the sake of applying the rule, "where a power has never been before exercised and is doubtful, the Courts will not presume that it was the intention of the Legislature to assume it, but will require a clear expression of an intention to do so."

The matter then stands thus: The Governor has no authority to require a citizen who does not belong to the militia to perform this part of the duty of a Confederate soldier—has the Legislature conferred the authority upon him? It is insisted that this is done by the act of the last session entitled "an act in relation to the militia and for home defence;" which act and the act "to punish aiders and abettors of deserters" were ratified at the same time, 7th July, 1863, and are to be construed together. So the question depends upon the meaning and proper construction of these two statutes.

At the meeting of the Legislature two questions were pending: First, Congress in its wisdom having allowed substitution and many other exemptions from the conscription acts, was it in the power of the President, by calling upon the State for its quota of militia, to subject the persons so exempted as conscripts to military duty as militia? Second, had the Governor authority to require the militia to arrest conscripts and deserters from the Confederate army? By the first section of the act "in relation to militia and a guard for home defence," the first problem was solved, and it is enacted that all persons exempted as conscripts shall be likewise exempted from service as militia. By the third section of the act "to punish aiders and abettors of deserters," it is enacted that the Governor may require the militia to arrest deserters and conscripts; thus solving the second problem by authorizing the Governor to call out the [illegible] of the militia, that is, those not exempted from militia duty, to perform a part of the duty of Conferate soldiers, to wit: the officers of the militia and the men between 40 and 45 who had not then been called for as conscripts.

In order, however, to provide for home defence, the Legislature assumed the power of making *State conscription*. Whether the legislature had the power to do so, is a question into which it is not necessary to enter. The power is expressly assumed, and it does not become a co-ordinate branch of the State government to decide upon it, unless it be necessary to do so in order to dispose of a case before it. So it may be granted that the Legislature had power to organize for home defence a military body composed of the remnant of the militia, the exempts and persons over the age, liable to militia duty. It is very certain that in doing so, the intention was to make this new body wholly distinct and different from the militia. Persons exempt from militia duty are included, new companies are forming, new officers appointed—in fact every thing is different, it is a new organization—a State conscription made for two special purposes, "to be called out against invasions and to suppress insurrections;" section 6. And special care is taken to distinguish this new body from militia, for otherwise they might, under the constition, be called for by the Confederate States. Upon which ground then, can it be insisted that the Governor is authorized to require this newly organised body and and peculiar State institution to perform a part of the duty of Confederate soldiers? It is said, the authority follows as a conseqvence of the military organization. I cannot see the force of the argument. In the act declaring the special purposes for which this new organization is made, no such authority is expressly given to the Governor—the power of the Legislature to confer it, even if such had been the intention, is by no means clear, and so we are not at liberty by implication to infer that such was the intention, and the act "to punish aiders and abettors of deserters" puts the matter, as it seems to me, out of the range of discussion, by expressly authorizing the Governor to use the militia to arrest deserters and conscripts, thereby excluding, as plainly as words could do it any authority to require such service of this new organization—the State conscripts, Home Guard. *Expressio unius exclusio alterius* is a well established rule of construction which the courts are not at liberty to disregard and its soundness, when the object is to ascertain the intention of the Legislature and neither to fall short of it or go beyond it, is fully illustrated by this case. So, the two statutes relied on as confirming the authority of the Governor, actually exclude it by a double implication.—In the first place, the act authorizes the Governor "to call out the Home Guard against invasions and to suppress insurrections." Why was it not added "and to arrest deserters and recusant conscripts," if such was the intention? That subject was present to the minds of the Legislature. In the second place, the act authorizes the Governor in so many words "to call out the militia to arrest deserters and conscripts." Why did it not add, and "also Home Guards," if such was their intention? The conclusion that it was not the intention of the Legislature that the Home Guards should be subject to this service is as clear as if the acts had contained the words "provided, however, that the Governor shall not have authority to require the Home Guards to arrest deserters and conscripts," unless it be contended that the Governor has all power except such as is expressly prohibited—a position which, I suppose, no man will venture to assume.

The argument may be stated thus: The statute expressly authorizes the Governor to require "the militia," that is, the officers and men between 40 and 45, to arrest deserters, that is, they form a part of the Home Guard—it follows, that the Governor had no authority to require the *whole body* of the Home Guard to perform this duty, for, if he had such authority, it was vain, idle, and superfluous to authorize him expressly to require a part to do that which he had no authority to require of the whole. In this connection the provision, section 9, "The commissions of the officers of the militia shall be suspended only during the period of their service in the Home Guard," has an important bearing, the object being to preserve the organization of the militia and so use them to arrest deserters, for which purpose the force was then adequate. The fact that, afterwards, the call for the men between 40 and 45 as conscripts, made the force inadequate, cannot change the meaning and proper construction of the statutes. If an amendment was thereby made necessary, the Legislature must make it; for neither the Governor nor the Judges have authority to strain the law to meet the emergency.

I am aware of the responsibility under which I act. Jurisdiction is given to a single Judge in vacation—my decision fixes the law, until it is reversed by the Supreme Court, or amended by the Legislature, and I would not feel it to be my duty to stay the action of the Executive except upon the clearest conviction.

Whether in the event the Governor should call out the Home Guard to repel a raid or suppress an insurrection, he would not, while the men were on this tour of service, which is limited to three months, (sec. 6,) have authority collaterally to require them to take up deserters and conscripts, who might aid the enemy, is a question not now presented. We are confined to the naked question, has the Governor authority to require the Home Gfiard to be called out for the mere purpose of arresting deserters and conscripts? The special order under which Maj. Harbin acted is for this purpose alone. It is true that the State was, before the passage of the acts invaded, and the enemy was at that time and is now within the limits of our State; but the order does not profess to be made for the purpose of repelling that invasion, there is no "tour of duty prescribed by the Governor not exceeding three months at any one time," according to the provisions of the 6th section. The time is unlimited and the purpose is declared to be, "to arrest every deserter and recusant conscript within the county of Davie, and deliver them to Col. Mallett at Camp Holmes."

The suggestion that, as the arrest of deserters and conscripts would promote the efficiency of the Confederate army, and thereby tend to defend the State against invasion, the authority of the Governor can be sustained on that ground, involves a latitude of construction unsupported by any principle of law, and as it seems to me, cannot impress with much force the mind of any one who will read the two statutes attentively and in connection. He will see from the mode of defence contemplated by the Legislature in calling out the Home Guard for defence against invasion and insurrection by regiments, battalions and companies, on tours of duty within the State not to exceed three months, &c., that the indirect and far off mode of repelling the existing invasion by arresting deserters and conscripts was not in the mind of the Legislature, except when the Governor was authorized to use the *militia* for that purpose; which, according to the view I have taken above, excludes the conclusion hat the Guard for home defence—the State conscripts were to be used for that purpose also. For, if so, it was surely vain, idle and superfluous to impose that service on the militia, who constituted but a small part of the Guard for home defence.

The position was taken on the argument, that the order under consideration clearly exceeds the Governor's authority, in this: It requires the Guard for home defence to arrest and bind over to the Court to answer said charges, those citizens who aid, harbor and maintain deserters," and is therefore void *in toto*. It is true, citizens who aid &c. deserters &c., although made liable to indictment by one of the statutes referred to cannot, according to the constitution and laws of the land, be arrested and bound over to Court, to answer the charge, by military authority—that can only be done by the civil authority, to wit: a warrant by a Judge or Justice of the Peace on probable cause shown on oath, and executed by the Sheriff or Constable. So, it is clear that part of the order is void and against law. But it does not vitiate the other part of the order, provided the Governor had authority to make it.

It is thereupon considered by me, that Richard M. Austin be forthwith discharged.

R. M. PEARSON, Ch. J. Supreme Court.

NORTH CAROLINIANS IN THE BATTLE OF CHICKAMAUGA.

The following list of Casualties sustained by the North Carolina regiments in the battle of Chickamauga is from the Charlotte *Bulletin*:

CAMP OF THE 58TH N. C. V.
On the Battle field of Chickamauga,
September 21, 1863.

MR. EDITOR:—The terrible struggle is over and the enemy are flying. The 58th N. C. V., have participated, and nobly in carrying their last and strongest position. From 3 o'clock has this regiment, the 5th Kentucky and the 63d Virginia been striving in deadly conflict with the foe.—We have finally succeeded in carrying the heights and capturing Colonels Carlton, Leferne and Glen, with over five hundred other officers and men, but at a fearful loss in killed and wounded to this regiment, of more than one-half the number carried into action. Lieut. Col. Edmond Kirby fell dead, pierced by four balls, while nobly filling his position. He was a son of the late Col. Reynold Kirby of the old army, a young officer of great promise and one to whom the regiment was warmly attached. A brave, generous, noble hearted man and able officer has fallen.

Eben Childs, a youth not yet eighteen son of Col. L. D. Childs, formerly of Lincolnton, now at Columbia, S. C., was also killed while exhibiting the greatest gallantry. He was a noble youth.

Gen. W. Preston, commanding our division, to show his appreciation of our efforts has presented to the brigade for the regimental color guards, eight splendid Colt's Revolving Rifles. Gen. Preston in his note to the brigade commander says: "I send these fine arms in the hope that they may commemorate hereafter, in the regiments, the great battle in which they were first engaged and achieved such brilliant distinction." Two have been allotted to the 5th Kentucky, two to the 63d Virginia and four to the 58th North Carolina.

The only field and staff North Carolina [illegible] engaged in this great battle and nobly aided in upholding the military fame of the old North State Troops.

Below I send you a list of the killed and wounded in the 58th N. C. V., which I trust you will publish for the information of the friends of the regiment:

Field and Staff—Col J B Palmer, slightly wounded; Lt Col Edmond Kirby, killed; Maj T J Dula, severely wounded; Asst Adjt J H Horton, slightly wounded.

Company A—Killed—Lt John W Wiseman, Serg't S A Poteete, Corp'l William McBee, Privates Theron J Sherwood, Jeremiah Martin, Joshua Keller, Ambrose Sigman, Daniel M C Falls, Wm L Phifer. Wounded—Lt Wm H Wiseman, Serg't Josiah J Wise, Privates Levi Franklin, Wm Tally, Daniel Washburn, slightly; Avery Autry, Francis Beddix, mortally; Henry Gillaspie, Ambrows Boughman, John Hufman, Joseph Holifield, Wm Burlison, slightly; John C Hogan, mortally.

Company B—Killed—Corp'l Thomas G Tripton, Privates Wm F Bradshaw, Marcica Feburry. Wounded—Capt. Isaac H Baily, slightly; Lt James W Putnam, mortally; Corp'l Berry Steward, slightly; Drummer, Christenbery Phillips, mortally; Corp'l John Stephens, Privates Sanders Edwards, Alfred Brooks, John Brooks, slightly.

Company C—Killed—Privates Wyatt Woody, James A Gemerson. Wounded.—Lt Wm M Auston, Privates Edward Roberson, John C Robeson, mortally; John L Halcombe, James T For. Morgan Roberson, Leroy C Ray, slightly; James E McCanles, mortally.

Company D—Wounded—Corp'ls John W Dugger, slightly; Wesley W Presnell, slight. Privates, Braxton Cox, mortally; Anderson Danner, Anderson Grogan, Larkin Townsen, John W Beach, slightly; Joel Townsen, severely; Michael Roland, Miles Townson, slightly.

Company E—Killed—Privates David M Lofton, William N Penley, Gaston Woods. Wounded—Private Jesse Pearcy, Corp'l William Carrel, Privates Larkin German, William German, D Phillips, N Suddereth, mortally; William H Edmiston, David M Lanear, Joseph Hartly, Joseph Pewett, James Taylor, William Coffy, O C Collet, Rufus Prichard, Serg'ts M E Thompson, D D Caffy, Corp'l J T A Spencer, slightly; Private Daniel Gragg, missing.

Company F—Killed—Lt Jas D Morrison, Privates S M Read, Permenter Morgan, Geo B Harvey, Henry F Gibson, Johnson Jones, David Eppley, Henry Wilson.—Wounded—Capt C O Conley, Serg'ts John L Dobson, R H Siske, Corp'l A D Murphy, Privates Marion Siske, Sam'l C Jarrett, Daniel Jarrett, Jas McGahey, Wilson F Gibbs, E J Hall, slightly; Sam'l B Fulwood, C M Elliott, Robt V Patton, mortally.

Company G—Wounded—Lt Cornelius R Byrd, mortally; Sergt William Norris, slightly; Sergt J W Phipps, Corpl Jesse Gentry, Privates Wm McKinney, Isaac L Crowder, Geo W Huneycut, mortally; Wm Anglin, Payton Phillips, Hallaway Gentry, Wm F Hampton, Smith Holeman, slightly.

Company H—Killed—Corpl R M Smith, Privates D M Palmer, Henry Fincannon, Levi Huffman, Ebin Childs.—Wounded—Sergt E H Crump, mortally; Sergt J P Smith, slightly; Privates Wm Bradshaw, mortally; A H Craig, mortally; Jas A Fincannon, slightly; Hiram H Crisp, Geo W Bumgarner, mortally; Robt Gilleland, D A Griffin, Johnson L Graig, Geo Palmer, Erwin Coffy, John W Fincannon, Wm H Crisp, slightly.

Company I—Killed—Sergt John Eggers, Privates John H Wilson, George L Smith. Wounded—Lt J C McGhee. Privates Calvin Miller, Wm Proffit, Wm Cook, Lemuel Wilson, slightly.

Company K—Killed—Private Benj Willes. Wounded—Sergt Edmond Silver, Jas M Green, slightly; Privates Philip Duncan, Daston C Clark, mortally; Henry Bartlett, John B Buchannan, Wm M Buchannan, Joseph M Buchannan, slightly.

Company L—Killed—Privates Thorton Pennington, M Jones, James Cole. Wounded—Sergt Edward Blevins, slightly; Corpl Jacob A Calloway, Privates Eli C Barker, David F Cole, mortally; John Blevins, Montgomery Barker, Thos C Barker, Rufus Wood, Moses Harvell, Mamford Farrington, Sanders M Fowler, slightly.

GENERALS SMITH AND HELM.

The following sketches of two of the illustrious dead in the battle of Chickamauga, will be read with mournful interest:

"Brig. Gen. Preston Smith, was about forty years of age, a native of Giles county, Tennessee. Some years previous to the war he moved to Memphis, where he engaged in the practice of law. He had always displayed a military taste, and, foreseeing the struggle, had prepared himself by study, for the military exigencies, which he has since been permitted to realize. Previous to the secession of Tennessee, he was elected to the command of an old military organization, known as the 154th regiment of Tennessee militia, which was the first to tender its services to Governor Harris after his call for troops. His qualifications for command were early discovered, and he was very soon promoted to the command of a Brigade, the duties of which position he always discharged to the entire satisfaction of his superiors in command. He was darling and fearless in action, and always possessed the confidence, esteem and affection of the officers and men under him. He died at the head of his command leading a charge, and fell but a few feet from the vandal foe, who it was always his ambition to combat at the closest quarters.

Brigadier General J. L. Helm, was the son of Ex-Governor Helm, and grandson of Ben Harden, well known to the oldest inhabitants of Kentucky as a leading public man in the earlier days of the "Warrior State." General Helm was born in Hardin county, Kentucky, in 1831—graduated at West Point, and afterwards retired from the army of the United States to take up the study of law. In 1858 he removed to Louisville and formed a copartnership in his profession with H. W. Bruce, Esq.

At the commencement of the troubles in Kentucky consequent upon the present revolution, he was chief of Gen. Buckner's staff in the State Guard. He entered the southern army without a commission, but from the rank of a private he was soon made Colonel, and commanded the first Kentucky cavalry. He was made Brigadier General in March 1862, and took command of a Kentucky Brigade at Vicksburg last summer. He was with Breckenridge at Baton Rouge, but did not participate in the fight on account of an unfortunate wound receive before the general egagement came on. In October of the same year he was placed in command of the post of Chattanooga, his health not being such as to justify him in continuing in the field. On the 15th of January he was ordered to Pollard, Alabama, to command the East District of the Gulf Department. In the following February the President ordered him to the command of Hanson's Kentucky Brigade at Manchester, Tennessee. From thence he moved to Hoover's gap, thence to Mississippi, in Breckinridge's division, under General Johnston, and thence to the army of Gen. Bragg, only a few months ago.

On Sunday last, at 10 A. M., he was leading his men on to victory, when he fell mortally wounded in the abdomen by a minnie ball. He was taken back to the Hospital six miles above Ringgold, where he expired during the night.

His wife is half sister of Mrs. Lincoln, and a sister of Alexander Todd, who was killed at Baton Rouge. It will also be remembered that Lieut. Todd, who was killed at Shiloh, was his brother-in-law."

THE PASSION FOR SPECULATION—LETTER FROM PRESIDENT DAVIS.—The Mobile *Register* publishes the following letter addressed to J. W. Harman, Esq., Secretary of the Confederate Society, Efferprise, Miss.:

Sir: I have received your letter of the 22d ult., enclosing a copy of an address to the people of the Confederate States, calling upon them to unite in an effort to restore and maintain the par value of the currency with gold by forming societies of citizens who will engage to sell and buy only at reduced prices. The object of the address is most laudable, and I sincerely hope for it great success in arousing the people to concerted action upon a subject of the deepest importance. The passion for speculation has become a gigantic evil. It has seemed to take possession of the whole country, and has seduced citizens of all classes from a determined prosecution of the war to a sordid effort to amass money. It destroys enthusiasm, and weakens public confidence. It injures the efficiency of every measure which demands the zealous co-operation of the people in repelling the public enemy, and threatens to bring upon us every calamity which can befal freemen struggling for independence.

The united exertions of societies like those you propose should accomplish much toward abating this evil, and infusing a new spirit into the community.

I trust, therefore, that you will continue your labors until their good effect becomes apparent everywhere.

Please accept my thanks for the comforting tone of your patriotic letter. It is a relief to receive such a communication at this time, when earnest effort is demanded; and when I am burdened by the complaining and despondent letters of many who have stood all the day idle, and now blame anybody but themselves for reverses which have come and dangers which threaten.

Very respectfully, your fellow-citizen,
JEFFERSON DAVIS.

DEFINING HIS POSITION.—Mr. Vallandigham, in a letter dated Windsor, C. W., Sept. 19th, says:

In reply to the statement which is so often made by abolitionists that I am not for "suppressing the rebellion," let me, for the benefit of yourself and my other friends of your acquaintance, say that it is not true, and never was. And it is just because I believe that the policy of the administration and abolitionists will never suppress it, that I am and always have been against it, and for another mode and policy.

What is "the" plan of suppression is Mr. Vallandigham [illegible]

BLACK AND WHITE LISTS.

The action of the Legislature in regard to prices, the resolutions passed by the victuallers, the meetings of the mechanics, the outcries of tenants against landlords, and other indications show that the peace of the city is meaced and that important reforms must soon be made to prevent serious disturbances of social order. it would be well if these signs were heeded by those who ought to be, but are not, most interested in them. An ounce of prevention is worth a pound of cure, it is said, and the time is at hand when the greedy and grasping should lay this adage to heart. The maxims of Poor Richard, however readable in a time of prosperity, will scarcely avail to quiet the discontent of the days that now are, and still less of days to come. As well hope to hold fire in the hand by thinking of the frosty Caucasus.

But the blind horse to whom a nod is as good as a wink is not more insensible than the majority of those to whom the premonitory perturbations to which we have alluded should in trumpet tones appeal. Deaf as an adder and callous as the coin they so much covet the warnings so apparent to every one else make no impression upon them. The Man with the Muck Rake is too intent upon his dirty work to notice the shadows cast before the coming events, and the problem is not so much to divert his attention and keed it diverted from his sordid occupation, as to transform his whole moral being and make him a good and useful member of society.

It is generally conceded that legislation will not have this effect. What will? We confess we hardly know; and yet it seems to us that the force of public opinion and the power of the press might well be tried before a resort is had to laws which there is much reason to believe will prove inefficacious. It remains to be seen whether public opinion can be brought to bear upon the public itself, for it really appears that the matter in question involves the whole body of the people, and it is doubtful, unless we count by mere numbers, which side has the majority. At first view, nothing seems more plain than that the sufferers vastly outnumber the extortioners, boarders, speculators, landords, etc.; but, when the relative influence of the parties is considered, the subject assumes a very different aspect.

However, as in times past, we have proved the inutility of municipal legislation to regulate either the cost or the supply of provisions in the city market, and as it is more than questionable whether State legislation will avail anything more, it follows that other agencies must be brought into play. Next to law, if not before it, public opinion is confessedly the most powerful in directing, regulating and restraining men. The press is but the instrument of public opinion. Now in regard to the existing evils and present sufferings of the community, public opinion is very decided and unequivocal. But its expression is limited to maledictions on the street-corners and to wondering apprehensions of the future over the tea-tables. There is no concentration of purpose and no unity of action, and if there were, the probability is that it would expend itself in resolutions at public meetings, which read very well in the daily prints, but, if we may judge by the fruits of the county meetings, are barren of results. It cannot be said that the press has failed to do its duty or what it conceived to be its duty in respect to this matter. Since the first symptom of extortion, there has been a hue and cry in the papers which might have overturned a throne, had it been directed against it; and on this subject alone have the papers all over the Confederacy been unanimous. There has been but one opinion and yet the papers have failed signally to accomplish anything. Why? We can think of but one reason, and that is because their editorials, their wit, sarcasm and eloquence have been aimed at the abstract thing of extortion instead of the extortioners themselves, individually and by name. The charges are not specific and personal, and hence they do no good whatever. Like all general accusations, they are applied by every one not to himself but to his neighbors.

Why should there not be Black Lists of extortioners, hoarders, etc., as well as of renegade Southerners in the Yankee service. The former do infinitely more harm to the cause than the latter. Why should they be exempt from disgrace and public scorn? We do not advocate indiscriminate and unfounded attacks upon persons; far from it. Our aim is simply to state the only way in which the press can be of the least service in alleviating present and prospective troubles. Let the facts be established, and then let the Black List be published without respect to persons. At the same time, let there be White Lists of the patriotic, the generous, the charitable. A morning paper published yesterday quite a number of names belonging to the White Lists. No Richmond name was there, nor have we ever seen one on any White List. It is time our generous citizens should be known to the whole Confederacy. Let the Black and White Lists be prepared at once, or else let the press cease its utterly useless and tiresome sing-song about extortioners in general.—*Rich. Whig.*

THE VICTORY AT SABINE PASS.—We subjoin the first paragraph of Gen. Magruder's order announcing the success at Sabine Pass. The order is dated at Houston, Texas, Sept. 9th:

I. The Major General Commanding has the satisfaction of announcing to the army a brilliant victory, won by the little garrison of Sabine Pass, against the fleet of the enemy. Attacked by five gunboats, the Fort, mounting but three guns of small calibre, and manned by the Davis Guards, Lieut. R. M. Dawling, assisted by Lieut. Smith, of the Engineers, supported by about two hundred men, the whole under command of Capt. F. H. Odlum, steadily resisted their fire, and at last forced the surrender of the two gunboats, Clifton and Sachem, badly crippling another, which, with the others, escaped over the bar.—The result of this gallant achievement is the capture of two fine gunboats, fifteen heavy guns, over two hundred prisoners, among them the Commodore of the fleet, and over fifty of the enemy killed and wounded, while not a man was lost on our side or a gun injured.

FROM UPPER EAST TENNESSEE.—The latest news from Upper East Tennessee represents the enemy as still fleeing before our forces. The latter were, at last accounts, at or below Greenville, and it is not improbable that, they will reoccupy Knoxville in a short time, if they have not already done so.

In the fight on Monday last, near Jonesboro, our cavalry wounded fifty, captured forty and killed twelve of the enemy, with a loss on our side of only two or three men.—*Richmond Whig.*

NEW ADVERTISEMENTS.

GENERAL ORDERS, No. 1.

Headquarters, Raleigh, N. C., October 8th, 1863.

I. In obedience to Special Order, No. 23, Headquarters Department of N. C., Paragraph II, the undersigned assumes Command of this Post.

II. It is made the duty of all Officers who remain in the city over 24 hours to report to the office, and men on arriving who intend to remain to obtain pass from Provost Marshal.

III. Officers who are improperly absent from their commands will be reported at once to their Commanding Officers. The men will be arrested and sent to their commands.

IV. In order to avoid unpleasant detention and arrest, citizens upon arriving here will furnish evidence of their exemption from military service to the Provost Marshal.

[Signed] PETER MALLETT,
Oct 8-1m Col. Com'd'g Post.

Piedmont R. R., Superintendent's Office, Danville, Oct. 2, 1863.

WANTED FOR GRAVEL TRAIN ON THE PIEDMONT Railroad, 20 hands, for which liberal wages will be paid.

Also 30 wood cutters, and hands to work on repairs of track. Apply at Piedmont R. R. Office, Danville, or at R. & D. R. R. Office, Richmond. C. G. TALCOTT,
Oct 8-4t Superintendent P. R. R.

FOR SALE.

50 SHARES N. C. R. R. STOCK.
Apply to D. P. WEIR,
Oct 8 6t* Greensboro', N. C.

HIDES, SKINS, &C.

I WISH TO PURCHASE $20,000 WORTH OF GOOD dry HIDES. I will pay the highest market price for Beef Hides, Horse Hides, Dog Skins, Goat Skins, Sheep Skins, and all kinds of skins that will make leather.
FRANK I. WILSON,
Oct 8-1w* Raleigh, N. C.

TEACHER WANTED.

A LIBERAL SALARY AND BOARD IS OFFERED for a competent gentleman to teach six or seven children, the oldest of whom is a boy of 14 years. Apply to Col. JOHN F. SAUNDERS,
Oct 8-1w* Smithfield, Johnston Co.

BACON, BACON.

IN ADDITION TO THE ARTICLES ALREADY ADvertised for sale at Auction to day, we will sell about 600 pounds No. 1 BACON.
CREECH & LITCHFORD,
Oct 8-1t Auctioneers.